

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-00544-BNB

PAUL ANDREW MITCHELL, also known as
PAUL A. MITCHELL,
Plaintiff,

v.

[NO NAMED DEFENDANT],
Defendant.

ORDER OF DISMISSAL

Plaintiff, Paul Andrew Mitchell, also known as Paul A. Mitchell, filed *pro se* copies of appointment affidavits and other documents pertinent to a Freedom of Information Act request (ECF No. 1).

On March 2, 2012, Magistrate Judge Boyd N. Boland entered an order (ECF No. 3) directing Mr. Mitchell to cure certain enumerated deficiencies in the case within thirty days. Specifically, Mr. Mitchell was directed to file a motion and affidavit for leave to proceed pursuant to 28 U.S.C. § 1915 and a complaint on the Court-approved forms available, with instructions, at www.cod.uscourts.gov. The March 2 order informed Mr. Mitchell that, as an alternative to filing a § 1915 motion and affidavit on the Court-approved form, he could pay the \$350.00 filing fee. The March 2 order warned Mr. Mitchell that if he failed to cure the designated deficiencies within the time allowed, the action would be dismissed without further notice and without prejudice.

On March 12, 2012, Mr. Mitchell filed his copy of the March 2 order to cure with notations that the order was “Refused for Causes.” He also filed other documents as

attachments to the refused order. Mr. Mitchell has failed within the time allowed to cure the designated deficiencies as directed. Therefore, the action will be dismissed without prejudice for failure to comply with the March 2 order to cure within the time allowed.

Finally, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status will be denied for the purpose of appeal. See *Coppedge v. United States*, 369 U.S. 438 (1962). If Mr. Mitchell files a notice of appeal he must also pay the full \$455.00 appellate filing fee or file a motion to proceed *in forma pauperis* in the United States Court of Appeals for the Tenth Circuit within thirty days in accordance with Fed. R. App. P. 24.

Accordingly, it is

ORDERED that the action is dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for the failure of Plaintiff, Mr. Paul Andrew Mitchell, to comply with the cure order of March 2, 2012, within the time allowed. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied.

DATED at Denver, Colorado, this 16th day of April, 2012.

BY THE COURT:

s/Lewis T. Babcock
LEWIS T. BABCOCK
Senior Judge, United States District Court